



12 May 1977

OGC 77-3065

MEMORANDUM FOR: Director of Central Intelligence

STAT
FROM : [REDACTED]
Deputy General Counsel
SUBJECT : Your Notes "Suggested Points for the President to Raise With the Senate Select Committee on Intelligence"

1. Action Requested: None. For your consideration.
2. Background: George Cary provided this office with a copy of the referenced notes and asked that we get back directly to you with any suggestions we might have on the items involving the Intelligence Oversight Board and electronic surveillance legislation.
3. Recommendation: I have taken the liberty of revising paragraph 5 of your notes to reflect precisely the status and substance of possible legislation on electronic surveillance and unconsented physical searches. There is no proposed legislation relating to physical surveillances. I suggest the following rephrasing and reordering of your subparagraphs.
 - a. This Administration has prepared for submission to Congress an Electronic Surveillance Bill which should be effective in assuring that the personal liberties of our citizens will not be infringed by improper electronic surveillance in the United States.
 - b. The Attorney General also intends to develop legislation to protect the rights of Americans overseas against improper electronic surveillance.
 - d. The Attorney General is considering legislation that will prevent improper physical searches.

STAT



C-38.2

SUGGESTED POINTS FOR THE PRESIDENT TO RAISE
WITH THE SENATE SELECT COMMITTEE ON INTELLIGENCE

1. Legislative Charters.

- a. Willing to accept.
- b. Want to work closely with the Committee:
 - (1) to avoid a situation in which the legislative charters become too detailed and tie down the specifics of the intelligence process in too permanent a manner.
 - (2) so that central purpose of charter is not lost in unnecessary debate over executive and legislative privilege.
- c. Hope charters and new Executive Order can be a matching set.
- d. Expect to have our proposed changes to Executive Order ready by mid-June.
 - (1) Will discuss with Committee prior to issuing.

2. Security of Information.

- a. Imperative be able to hold important data.

(1) Hope Select Committee can shoulder most of Senate responsibility for oversight of sensitive materials.

3. Open Budget.

a. Agreed not to object to disclosure of a single budget figure in a desire to be more forthcoming and open. Am persuaded that only a single figure can be released within the bounds of security. Am prepared to enforce a strict policy on that regard within the Executive Branch.

b. It is now up to the Senate as to what you want to do. Do not want to attempt to dictate to you because of the accompanying responsibility also to maintain a strict adherence to a policy of only one number.

4. Intelligence Oversight Board.

a. Have reconstituted the Intelligence Oversight Board with three capable men. The Chairman has had some experience in the intelligence business and hence will lead a modicum of expertise. Senator Gore and Governor Scranton are, of course, citizens with distinguished records of public service.

b. Have elected to disestablish the President's Foreign Intelligence Advisory Board, largely in view of the increased role that the Senate Select Committee is playing in reviewing the intelligence process. I anticipate a continuing and useful dialogue with the Committee and hope that this will, in large

measure, substitute for the Advisory Board. In addition, such a Board must have access to all of the most sensitive intelligence information. There is always some risk inherent in simply expanding the numbers of people exposed to this kind of information.

5. Electronic Surveillance Bill.

a. This Administration has submitted an Electronic Surveillance Bill which should be effective in preventing abuse of personal liberties of our citizens as a result of improper electronic surveillance.

b. The Attorney General is developing a bill that will similarly prevent abuses of physical surveillance.

c. The Attorney General is also developing legislation to protect the rights of Americans overseas against all forms of surveillance.

UNCLASSIFIED

Approved For Release 2004/03/23 : CIA-RDP80M00165A000600150003-0

CONFIDENTIAL

 SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Executive Registry

77-1308/1

FROM:	EXTENSION	NO.	DATE	STAT	
				Legislative Counsel	
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)	
	RECEIVED	FORWARDED			
1. Director				I have made some suggested changes in your point paper for the President's meeting with the Senate Select Committee. I revised item 1(a) to allow for the option of making adjustments in existing legislation rather than enacting a completely new statute.	
2.				I have elaborated on 2 by adding item (c) which reflects a comment you had made on an earlier paper on the subject of clearances and also specified the preference in principal to a joint committee (2d) and repeal or modification of Section 662 (2e).	
3.				I added an item on [redacted] in the event the President wishes to take issue with the Committee's decision on its unclassified statement.	
4.				I also inserted item 7 to emphasize the positive role which the Select Committee can play. OGC is reviewing the STAT IOB and electronic surveillance sections [redacted]	
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.	C-38.2			George L. Cary Legislative Counsel	
15.					

Approved For Release 2004/03/23 : CIA-RDP80M00165A000600150003-0